REMARKS

This responds to the Office Action dated January 30, 2008.

Claims 68, 87, 101, 106, 110, 114-121, 123-125, 129, 130, 132-137, 139, 142, 143, 246, 248, 250, and 253-263 are amended herein. No claims are canceled, and no claims are added. As a result, claims 68-143 and 246-263 remain pending in this application. Support for amendments may be found in the specification at least at col. 3, line 65 - col. 4, line 59 and col. 4, lines 60.-65. Because the amended claims are claims added by this reissue, the amended claims are presented entirely with underlining, in accordance with MPEP § 1453.

In order to identify each change made in the claims, attached hereto as a portion of these remarks, is an Appendix, presenting the claims with the amendments presented in brackets and underline, as would be presented in an original application.

§*102 Rejection of the Claims*

Claims 68-78, 82-83, 85-94, 97-104, 106-116, 120-121, 123-132, 135-142 and 246-263 were rejected under 35 U.S.C. § 102(e) as anticipated by Florin (U.S. Patent No. 5,583,560).

Claims 68-85

Florin is directed to methods and apparatus for presenting an audio-visual user interface for selecting and displaying cable television or other audio-visual programs, as well as controlling various audio-visual devices and interactive services. Florin assumes a service provider provides cable television and/or telephone (T/T) service to users via a T/T cable, including a digital channel of program/service listings, at least one digital back channel (from the user's home to a central file server), a number of analog TV channels, a number of digital pay-per-view channels, and other interactive services transmitted from remote storage devices such as digital file servers. (Florin, 2: 19-23.)

In an attempt to show the feature of "using the server to provide data, some of which represents video and some of which represents a computing application, to the client," recited in

claim 68, the Office Action cites the following description from Florin: "The A/V connect module 66 switches and receives analog audio-visual signals and digital data from a plurality of audio-visual sources including the T/T cable 52, the video cassette recorder (VCR) 56, or the other A/V devices 57, and couples those signals and data to the main module 62 through the video decoder 74." (Florin, 8: 52-54.) Thus, Florin mentions receiving analog audio-visual signals and digital data. This disclosure was relied upon in the Office Action to meet the limitation in Claim 68 (prior to amendment) of "using the server to provide to the client data, some of which represents video and some of which represents a computing application." While Applicant does not believe that this disclosure suggests the providing of data representing a computing application, as previously recited, claim 68 has been amended to further expressly clarify that the computing application comprises executable code. Applicant submits that the mere reciting of "*digital data*" by Florin clearly does not disclose or suggest the presence or use of data that includes "a computing application comprising executable code," as now recited in claim 68.

Florin explains that the A/V connect module further switches audio-visual signals and data received from the main module 62 through the video encoder 78, and sends them back out to the T/T cable 52, the VCR 56, the other A/V devices 57 and/or the TV 58. (Florin, 8: 57-61.) The A/V encoder 78, continues Florin, is used to convert digital A/V data into analog audio-visual signals which are routed to the TV 58, the VCR 56 or the other A/V devices through the A/V connect module 66. (Florin, 8: 57-61.) Florin makes no mention of any executable code being present in any received digital data. Thus, because Florin recites receiving *digital data* but does not disclose a "computing application comprising executable code," Florin fails to disclose or suggest "using the server to provide data . . . some of which represents video and some of which represents a computing application, comprising executable code" to the client, as recited in claim 68.

In an attempt to show the feature of "executing the computing application to cause display of interactive information," recited in claim 68, the Office Action cites the following description from Florin: "The A/V connect module 66 includes a switcher 69 and one or more programmable tuners/demodulators 67, wherein one tuner/demodulator reads and displays a

current program from one of the channels received over the T/T cable 52, and additional tuners/demodulators (or the same tuner/demodulator, used in alternation) are used to read and display data from the side-band channels in picture-in-picture (pip) windows.." (Florin, 8: 52-54.) Thus, while Florin mentions that tuners/demodulators are used to read and display data from the side-band channels, Florin makes no mention of executing a computing application that comprises executable code, as provided to the client through use of the server. Applicants respectfully submit that using tuners/demodulators is not the same as executing a computing application comprising executable code and that merely reciting that "tuners/demodulators are used to read and display data from the side-band channels" does not amount to "executing the computing application to cause display of interactive information" recited in claim 68. Thus, Florin does not disclose or suggest "executing the computing application to cause display of interactive information," as recited in claim 68. Thus, because Florin fails to disclose or suggest the features of claim 68, as amended, claim 68 and its dependent claims are patentable in view of Florin and should be allowed.

Claims 87-100

Claims 87, recites a method comprising "receiving data, some of which represents video and some of which represents a computing application comprising executable code" and "executing the computing application to cause display of interactive information." Thus, the same distinctions discussed above relative to claim 68 are applicable here. Accordingly, claim 87 and its dependent claims are patentable in view of Florin and should be allowed for at least the reasons articulated with respect to claim 68.

Claims 101-105

Claim 101 recites a method comprising "providing data, some of which represents video to be displayed and some of which represents a computing application comprising executable code to be executed to display interactive information." Thus, claim 101 and its dependent claims are patentable in view of Florin and should be allowed for at least the reasons articulated with respect to claim 68.

Claims 106-124

As discussed above, with reference to claim 68, in Florin, the A/V connect module 66 switches and receives analog audio-visual signals and digital data from an audio-visual source, such as T/T cable, the video cassette recorder (VCR), etc. (See Florin, 8: 52-54.) Florin does not mention, however, that the A/V connect module 66 may be configured to receive a computing application that comprises executable code. Neither does Florin discloses that the audio-visual source, such as T/T cable, the video cassette recorder (VCR), etc. or any other module or server can provide (e.g., to the A/V connect module) a computing application that comprises executable code. Thus, Florin does not disclose or suggest a server or any module configured to provide a computing application or a client or any other module to receive a computing application. Claim 106 recites an interactive television system comprising "a server configured to provide data ... the data comprising video and a computing application comprising executable code" and a client configured to "execute the computing application to cause display of interactive information." Thus, claim 106 and its dependent claims are patentable in view of Florin and should be allowed for at least the reasons articulated with respect to claim 68.

Claims 125-138

As discussed above, with reference to claim 106, Florin does not disclose a client or any module that may be configured to receive a computing application that comprises executable code. Florin also does not disclose or suggest a server or any module configured to provide a computing application or a client or any other module to receive a computing application. Claim 125 recites "a receiver configured to receive data, the data comprising video and a computing application comprising executable code" and a processing unit configured to "execute the computing application to cause display of interactive information." Thus, claim 125 and its dependent claims are patentable in view of Florin and should be allowed for at least the reasons articulated with respect to claims 68 and 106.

Claims 139-143

Claim 139 recites "a server configured to provide data, the data comprising video to be displayed and a computing application comprising executable code to be executed to display interactive information." Thus, for the same reasons discussed above relative to claims 106 and 125 claim 139 and its dependent claims are patentable in view of Florin and should be allowed.

Claim 246

Claim 246 recites a machine-readable medium, having instruction executable by a machine to cause the machine to perform operations "receiving data, some of which represents video and some of which represents a computing application comprising executable code" and "executing the computing application to cause display of interactive information." Thus, for the same reasons discussed above relative to claims 106 and 125, claim 246 is patentable in view of Florin and should be allowed.

Claim 247

Claim 247 recites a machine-readable medium, having instruction executable by a machine to cause the machine to perform operations "providing data, some of which represents video to be displayed and some of which represents a computing application comprising executable code to be executed to display interactive information." Thus, for the same reasons discussed above relative to claims 106 and 125, claim 247 is patentable in view of Florin and should be allowed.

Claim 248

Claim 248 recites "executing the computing application to cause display of interactive information." Thus, claim 248 and its dependent claims are patentable in view of Florin and should be allowed for at least the reasons articulated with respect to claim 68.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111   Page 23
Serial Number: 09/903,448   Dkt: 2050.001US5
Filing Date: July 10, 2001
Title: APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS AS FOR A MULTIMEDIA SYSTEM,
    AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM

Claim 253

Claim 253 recites "executing the computing application comprising executable code to cause display of interactive information." Thus, claim 253 is patentable in view of Florin and should be allowed for at least the reasons articulated with respect to claim 68.

Claim 254

Claim 254 recites "providing data to be used by a computing application comprising executable code to a client to cause display of interactive information." Thus, claim 254 is patentable in view of Florin and should be allowed for at least the reasons articulated with respect to claim 68.

Claim 255

Claim 255 recites a client configured to "execute the computing application comprising executable code to cause display of interactive information." Thus, for the same reasons discussed above relative to claims 106 and 125, claim 255 is patentable in view of Florin and should be allowed.

Claim 256

Claim 256 recites a processing unit configured to "execute the computing application comprising executable code to cause display of interactive information." Thus, for the same reasons discussed above relative to claims 106 and 125, claim 256 is patentable in view of Florin and should be allowed.

Claim 257

Claim 257 recites an interactive television system to order an item comprising "a server configured to provide data, to be used by a computing application comprising executable code to display interactive information." Thus, for the same reasons discussed above relative to claims 106 and 125, claim 257 is patentable in view of Florin and should be allowed.

Claim 258

Claim 258 recites "at the client, executing the computing application comprising executable code to cause display of interactive information." Thus, claim 258 is patentable in view of Florin and should be allowed for at least the reasons articulated with respect to claims 68 and 106.

Claim 259

Claim 259 recites "executing the computing application comprising executable code to cause display of interactive information." Thus, claim 259 is patentable in view of Florin and should be allowed for at least the reasons articulated with respect to claim 68.

Claim 260

Claim 260 recites "providing data to be used by a computing application comprising executable code to a client to cause display of interactive information." Thus, claim 260 is patentable in view of Florin and should be allowed for at least the reasons articulated with respect to claim 68.

Claim 261

Claim 261 recites a client configured to "execute the computing application comprising executable code to cause display of interactive information." Thus, for the same reasons discussed above relative to claims 106 and 125, claim 261 is patentable in view of Florin and should be allowed.

Claim 262

Claim 262 recites a processing unit configured to "execute the computing application comprising executable code to cause display of interactive information." Thus, for the same reasons discussed above relative to claims 106 and 125, claim 262 is patentable in view of Florin and should be allowed.

Claim 263

Claim 263 recites "a server configured to provide data to clients, the data to be used by a computing application comprising executable code to display interactive information." Thus, for the same reasons discussed above relative to claims 106 and 125, claim 263 is patentable in view of Florin and should be allowed.

<p align="center">§103 Rejection of the Claims</p>

Rejection of claims 79-81, 95-96, 117-119 and 133-134

Claims 79-81, 95-96, 117-119 and 133-134 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin (U.S. Patent No. 5,583,560) in view of Coddington (U.S. Patent No. 5,410,343).

Coddington describes video-on-demand services using public switched telephone network. (Coddington, Title.) Claims 79-81 recite a method comprising the features of "using the server to provide data, some of which represents video and some of which represents a computing application comprising executable code, to the client" and " executing the computing application to cause display of interactive information," by virtue of their being dependent on claim 68. As explained above, with reference to claim 68, Florin fails to disclose or suggest these features.

Coddington, whether considered separately or in combination with Florin, also fails to disclose or suggest "using the server to provide data, some of which represents video and some of which represents a computing application comprising executable code, to the client" and "executing the computing application to cause display of interactive information," that is present in claims 79-81 by virtue of their being dependent on claim 68. Thus, claims 79-81 are patentable over the combined teachings of Florin and Coddington; and should be allowed.

Coddington, whether considered separately or in combination with Florin, also fails to disclose or suggest "receiving data, some of which represents video and some of which represents a computing application comprising executable code" and "executing the computing

application to cause display of interactive information," that is present in claims 95-96 by virtue of their being dependent on claim 87. Thus, claims 95-96 arc patentable in view of the Florin/Coddington combination and should be allowed.

Coddington, whether considered separately or in combination with Florin, also fails to disclose or suggest "a server to provide data, some of which represents video and some of which represents a computing application comprising executable code" and a client to "execute the computing application to cause display of interactive information," that is present in claims 117-119 by virtue of their being dependent on claim 106. Thus, claims 117-119 are patentable in view of the Florin/Coddington combination and should be allowed.

Coddington, whether considered separately or in combination with Florin, also fails to disclose or suggest "a receiver to receive data, some of which represents video and some of which represents a computing application comprising executable code" and a processing unit to "execute the computing application to cause display of interactive information," that is present in claims 133-134 by virtue of their being dependent on claim 125. Thus, claims 133-34 are patentable in view of the Florin/Coddington combination and should be allowed.

Rejection of claims 84, 105, 122 and 143

Claims 84, 105, 122 and 143 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin (U.S. Patent No. 5,583,560) in view of Banker (U.S. Patent No. 5,485,221).

Claim 84 includes the features of "using thc server to provide data, some of which represents video and some of which represents a computing application comprising executable code, to the client" and " executing the computing application to cause display of interactive information," by virtue of its being dependent on claim 68. As explained above, with reference to claim 68, Florin fails to disclose or suggest these features. Banker describes subscription television system and terminal for enabling simultaneous display of multiple services. (Banker, Title.) Banker, whether considered separately or in combination with Florin, also fails to

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AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM

Page 27
Dkt: 2050.001US5

disclose or suggest these features. Thus, claim 84 is patentable in view of the Florin/Banker combination and should be allowed.

Banker, whether considered separately or in combination with Florin, also fails to disclose or suggest the feature of "providing data, some of which represents video to be displayed and some of which represents a computing application comprising executable code to be executed to display interactive information," that is present in claim 105 by virtue of its being dependent on claim 101. Thus, claim 105 is patentable in view of the Florin/Banker combination and should be allowed.

Banker, whether considered separately or in combination with Florin, also fails to disclose or suggest "a server to provide data, some of which represents video and some of which represents a computing application comprising executable code" and a client to "execute the computing application to cause display of interactive information," that are present in claim 122 by virtue of its being dependent on claim 106. Thus, claim 122 is patentable in view of the Florin/Banker combination and should be allowed.

Banker, whether considered separately or in combination with Florin, also fails to disclose or suggest "a server to provide data, some of which represents video to be displayed and some of which represents a computing application to be executed to display interactive information," that is present in claim 143 by virtue of its being dependent on claim 139. Thus, claim 143 is patentable in view of the Florin/Banker combination and should be allowed.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
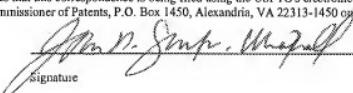P.O. Box 2938
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